

TOXIC SUBSTANCES CONTROL ACT12-3-E. Imminent Hazards (1200 TN 350 12-3E)

1. **AUTHORITY.** Pursuant to Section 7 of the Toxic Substances Control Act:
 - a. To determine that a chemical substance or mixture presents an imminent and unreasonable risk of serious or widespread injury to health or the environment under Section 7 of TSCA.
 - b. To take action including, but not limited to, causing the commencement of an action for seizure of a chemical substance or mixture that has been determined to present an imminent and unreasonable risk of serious or widespread injury, or article containing such substance or mixture, or for such other relief as authorized by Section 7, and to direct attorneys of the Environmental Protection Agency to appear and represent the Administrator in any such action.
2. **TO WHOM REDELEGATED.** The authority under 1.b. is delegated to the director, Enforcement and Compliance Assurance Division. The authority under 1.a. is not delegated.
3. **LIMITATIONS.**
 - a. Any official exercising the authority in Section 1.b. must consult with the assistant administrator for the Office of Enforcement and Compliance Assurance and the AA for the Office of Chemical Safety and Pollution Prevention before doing so. The AA for OECA may waive consultation in writing.
 - b. Any official exercising the authority to issue orders must obtain the advance concurrence of the regional counsel or designee on the legal sufficiency of the action. The RC may waive concurrence in writing.
 - c. Any official exercising the authority in Section 1.b. to commence a civil action pursuant to Section 7 of TSCA must have the concurrence of the general counsel. The GC may waive concurrence in writing.
 - d. Before exercising the authority in Section 1.b., a corresponding determination that there is an “imminently hazardous chemical substance or mixture” under Section 7 of TSCA must have been made under Section 1.a., subject to any limitations in the Administrator’s delegation of this function.
4. **REDELEGATION AUTHORITY.**
 - a. The authority in Section 1.b. may be redelegated to the section chief level, or equivalent.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

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5. **ADDITIONAL REFERENCES.**

- a. For civil actions under Section 7, see delegation 12-3-A, entitled "Civil Judicial Enforcement Actions."
- b. See also delegation 12-3-D, entitled "Emergency Temporary Restraining Orders."



Gregory Sopkin
Regional Administrator



Date